UNITED NATIONS PROGRAMME OF ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

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INTRODUCTION

The Charter of the United Nations reaffirms "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". Indeed, one of the purposes of the United Nations is to achieve international co-operation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion", and all Members of the United Nations pledge themselves to take joint and separate action in co-operation with the Organization to achieve that purpose.

In a speech made in Rome in 1963 the Secretary-General of the United Nations, U Thant, said:

> "What is surprising is not that provisions on human rights were included in the Charter, but that it took humanity so long to acknowledge the interconnexion between human rights and its other aspirations. For what purpose is international peace and security to be maintained, if not to preserve the right to life, liberty and the pursuit of happiness? What is the use of economic development if it does not, in the words of the Charter, 'promote better standards of life in larger freedom'?"

The Secretary-General went on to list various modes of action

regarding the protection of human rights set out in the Charter, such as: discussion, study, recommendation, convention, conference, consultation with non-governmental organizations, establishment of commissions and subsidiary organs—including specifically the Commission on Human Rights—and technical and advisory services. He added that these methods "have been used in what can only be called an ever-increasing atmosphere of co-operation by Member States with the United Nations in its efforts to promote and encourage human rights".

During its first ten years, the United Nations concentrated on defining human rights and fundamental freedoms and establishing international norms or standards. The initial achievement in this field was the adoption of the Universal Declaration of Human Rights by the General Assembly on 10 December 1948. The Universal Declaration was proclaimed as "a common standard of achievement for all peoples and all nations" and has, since 1948, exercised great influence upon the affairs of men and nations. Governments have demonstrated their willingness to co-operate in matters relating to human rights by undertaking legal obligations through adherence to Conventions on various rights and freedoms adopted by the United Nations. For example, international Conventions are now in force to deal with slavery, the political rights of women, the nationality of married women, consent to marriage and registration of marriages, the status of refugees and stateless persons, the suppression of the traffic in persons, the international right of correction of false and distorted news dispatches, and the elimination of all forms of racial discrimination. Two international Covenants on human rights—one on civil and political rights and the other on economic, social and cultural rights have been adopted and opened for signature, ratification or accession, and one international Convention on the non-applicability of statutory limitations to war crimes and persons who have committed crimes against humanity.

The specialized agencies of the United Nations have also manifested their deep concern with the promotion and protection of human rights by the preparation of binding multilateral instruments. The International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization have adopted Conventions on the abolition of forced labour, discrimination in employment and occupation, equal remuneration for work of equal value, freedom of association and protection of the

right to organize, the right to collective bargaining, employment policy, and discrimination in education.

THE ADVISORY SERVICES PROGRAMME

In recent years a new element in the United Nations work in human rights, the so-called "action programme", has gained prominence. This programme has three main parts: (1) periodic reports on human rights; (2) studies of specific human rights; and (3) advisory services in the field of human rights. The purpose of this pamphlet is to trace the development of the third part of the programme, that is, the advisory services.

As early as 1953, the General Assembly of the United Nations had authorized provision by the Secretary-General of technical and advisory services to Governments, at their request, to assist in the promotion and safeguarding of the rights of women and in the eradication of discrimination and protection of minorities. In the following year, the scope of assistance of this type was extended to apply to the promotion of freedom of information. These separate programmes were consolidated in December 1955 when the General Assembly, by adopting resolution 926 (X), authorized the Secretary-General to provide for the following forms of assistance with respect to human rights:

(i) Advisory services of experts;
(ii) Fellowships and scholarships;
(iii) Seminars.

Under the programme of advisory services in the field of human rights established by this resolution, the Secretary-General determines the amount of assistance and the conditions under which it is to be rendered, with due regard to the greater needs of the developing areas. The assistance is provided only at the request of Governments, but is applicable to any subject in the field of human rights, in addition to the subjects covered by other resolutions of the General Assembly, provided, however, that the subject is one for which adequate advisory assistance is not available through a specialized agency and that it does not fall within the scope of existing technical co-operation programmes. Under this resolution, the Secretary-General reports regularly to the Commission on Human Rights and, as appropriate, to the Commission on the

Status of Women, on the measures he has taken to carry out the advisory services programme. International and national non-governmental organizations, universities, philanthropic foundations and other private groups are expected to supplement this United Nations programme with similar activities.

DEVELOPMENT OF THE ADVISORY SERVICES PROGRAMME

From the inception of the advisory services programme emphasis has been placed on "down to earth" aspects of human rights problems. Through the medium of seminars and fellowships, people in key positions have learned at first-hand how human rights are protected and ensured at the working level—through court procedures and legal processes, through legislation, administrative regulation and the organization of the civil service, through the Press and other communications media, and through the participation of citizens in the everyday life of the community. At the same time their attention has been focused upon areas where progress has yet to be achieved and directed to ways and means of tackling various problems.

Only a few Governments have availed themselves of the expert services provided for under the programme. One Government, for example, asked for and received advice concerning electoral laws, procedures and techniques. In 1969 the Secretary-General, at the request of the Government of Cameroon, provided the services of an expert to advise, under the programme, on the promotion in Cameroon of the participation of women in national affairs and national development with particular emphasis on community development. Mainly, however, the programme has concentrated on seminars and on fellowships.

SEMINARS ON HUMAN RIGHTS

Shortly after the adoption of the consolidated advisory services programme by the General Assembly, the late Secretary-General, Dag Hammarskjöld, outlined to the Commission on Human Rights his conception of the role which seminars should play under the programme in the following words:

"The main purpose of the programme, as I understand it to be developing, should be to give Governments an opportunity to exchange their experience in solving or attempting to solve certain problems. The initiative in organizing such an exchange —through seminars or other means—might be taken by Governments that have been particularly successful in their treatment of the question to be studied rather than by those that are in difficulty. It is to be hoped, for example, that a Government that has had a long and particularly fruitful experience in the use of legislative and administrative techniques for the prevention of discrimination might take the initiative in organizing a seminar to which key people—official and unofficial—from other countries could be invited; and I am sure that there would not be a lack of countries which would welcome the opportunity to send representatives to such a seminar. It is not difficult to think of other examples. Thus, a country that has had significant experience with problems affecting minorities might organize a seminar on the protection of minorities. Or a group of Governments might organize a seminar to discuss common or regional problems. Governments, to put it briefly, should move from strength rather than from weakness.

"Perhaps the most important purpose of these seminars would be to bring key people together for short periods of time to stimulate their thinking and through their leadership to encourage greater awareness of problems of human rights within official circles. I also think that much can be gained through making tried techniques better known throughout the world. These informal discussions may well yield some surprises and also countries whose systems for the protection of human rights are advanced may discover that there is a great deal to learn from the experiences of other countries.

"The discussions would not, I hope, be one-sided or in any sense pedantic, and all participants would be expected to make a positive contribution. The Secretariat is anxious to make a contribution towards the success of such a programme, but obviously its success will depend on the leadership assumed by, and the advice coming from, Governments and this Commission and the other organs concerned."

The human rights seminars have, in fact, developed along the

lines foreseen by the Secretary-General. By the end of 1969, 36 seminars had been organized at the invitation of host Governments in Asia and the Far East, Africa, Europe and the Western Hemisphere. Of these, 30 seminars were organized on a regional basis, the other six had a world-wide composition. Most of the topics have been discussed in cycles, at seminars on similar subjects organized in different regions of the world. For example, seminars on the protection of human rights in criminal law and procedure have been held in Asia and the Far East and in Latin America. One on a closely-related subject, the protection of human rights in criminal procedure, was held in Europe. Two seminars on related topics, one on the role of substantive criminal law in the protection of human rights and the purposes and legitimate limits of penal sanctions and the other on the protection of human rights in the administration of criminal justice, were also organized for countries in the Asia and Far East region.

A cycle of seminars was also organized on "judicial and other remedies against the illegal exercise or abuse of administrative authority", in Asia and the Far East, in the Western Hemisphere, and in Europe, while a seminar on "*amparo, habeas corpus* and similar remedies" was held for the Western Hemisphere.

A seminar on freedom of information for countries in Asia and the Far East in New Delhi, 1962 was followed in 1964 by one on the same subject for the European region. Another topic which aroused considerable interest was "The role of the police in the protection of human rights", which was discussed at a seminar held in Australia in 1963. Also attracting wide interest were the seminars on "human rights in developing countries", held in 1964 for Asia and the Far East, in 1966 for Africa, on a regional basis, and one on a world-wide basis held in Cyprus in 1969.

Participation in local administration as a means of promoting human rights was the topic of a European seminar in Hungary in 1966. The rights proclaimed in the Universal Declaration of Human Rights formed the topics of two seminars. The effective realization of civil and political rights at the national level was discussed in Jamaica, while the realization of economic and social rights was examined in Poland. Both seminars were held in 1967.

A series of four seminars dealing with the participation of women in public life was held in Asia and the Far East, in the Western Hemisphere and in Africa; a like number of seminars

have discussed the status of women in family law. The first in a series of seminars on the civic and political education of women was held in Helsinki, Finland, in August 1967; the second was held in Ghana in November-December 1968. In 1966, a seminar in the Philippines considered the measures required for the advancement of women with special reference to the establishment of a long-term programme. A seminar discussed the effects of scientific and technological developments on the status of women in Iasi, Romania, in August 1969.

The Helsinki seminar was one of a series of seminars which have been held on an international rather than a regional basis. This major development allows countries representing all cultures and regions to nominate participants to discuss a topic of common interest. In addition to those in Finland and Cyprus, international seminars have been held in Yugoslavia, on human rights in a multinational society (1965); in Brazil, on *apartheid* (1966); in the United Kingdom, on freedom of association (1968); and in India, on the elimination of all forms of racial discrimination (1968).

A list of the seminars held up to the end of 1969 appears on the final pages of this pamphlet, together with the symbols of the seminar reports.

Human rights seminars usually are scheduled for a two-week period, and the participants, while nominated by Governments, attend in their personal capacity at the invitation of the Secretary-General. They are invariably highly qualified in their respective fields, and include cabinet ministers and deputy ministers, attorneys-general, solicitors-general, judges of supreme courts and high courts, senior Government officials, newspaper publishers, editors and writers, women leaders and persons of similar status.

Specialized agencies of the United Nations system which have an interest in the subject-matter are invited to designate representatives. The Secretary-General also invites non-governmental organizations in consultative status with the Economic and Social Council, whose aims and purposes are closely related to the seminar topic, to nominate observers.

The seminar discussions are documented by background papers prepared by expert consultants. In addition, each participant is invited to submit a paper outlining the relevant experience in his own country, so that the seminar can proceed at once to discuss

and compare experiences throughout the region. The participants are as a rule interested in specific human rights problems, and they exchange information and experience at the working level.

The seminar reports, which succinctly summarize the discussions, have aroused wide interest in both Government and academic circles. It is, of course, difficult to establish definite causal connexions between seminar discussions and Government policy; there have, however, been a number of indications that the experience acquired by national participants at human rights seminars has later been used to develop practical ways of promoting and protecting human rights. Interest in the seminars has been reflected in numerous articles, discussions and studies which testify both to the timeliness of the seminar topics and to the need for information on comparative practice. In an attempt to meet the demand for material of this type, selections of background papers prepared for two of the seminars by expert consultants have been issued, dealing respectively with remedies against the abuse of administrative authority and with the effective realization of civil and political rights at the national level.

Commenting on the philosophy underlying these human rights seminars, the Secretary-General, U Thant, summarized the potential value of the programme in the following terms:

> "A question frequently asked is whether there are any barriers to co-operation when the very basis of the relationship between the individual and the State differs among many countries. Such barriers have not proved insurmountable obstacles to United Nations efforts, because countries and people are increasingly recognizing that no country and no people has a monopoly on rightness, liberty and human dignity. Besides, when countries can learn from each other's experiences and exchange these experiences as they do, for instance, in the regional seminars under the advisory services programme on human rights, they are already moving along the road to that understanding which is indispensable to communication across political and other barriers."

The International Conference on Human Rights, which was held in Teheran in 1968, reaffirmed the belief that human rights seminars can effectively promote understanding of human rights. The Conference specifically referred to the role such seminars

could play in the elimination of racial discrimination in the political, economic, social and cultural fields (Resolution VI), in dealing with subjects of special concern to youth (Resolution XX), and in the realization of economic, social, and cultural rights (Resolution XXI).

HUMAN RIGHTS FELLOWSHIPS

Human rights fellowships are awarded annually under the advisory services programme. Designed to meet the need for comparison of experience at a somewhat different level than that provided by the seminars, the fellowship awards give recipients opportunities to observe institutions, practices and policies on the day-to-day working basis, and to relate the knowledge gained to comparable practices in their own countries. Since 1962, when the General Assembly decided that the programme of advisory services should be further expanded to permit the award of at least double the number of fellowships available in 1962, approximately 50 human rights fellowships have been awarded each year.

Sustained interest has been shown in the fellowship programme as Governments have been nominating a total of about 100 candidates a year. In 1969, approximately 90 applications for human rights fellowships were reviewed and about 46 awards were made to candidates from the following 30 countries: Australia, Barbados, Brazil, Burundi, Costa Rica, Czechoslovakia, El Salvador, Ghana, India, Indonesia, Iraq, Japan, Kenya, Madagascar, Nepal, New Zealand, Nigeria, Pakistan, Paraguay, Philippines, Poland, Romania, Singapore, Somalia, Sudan, Thailand, Togo, United Arab Republic, United Kingdom, and Yugoslavia.

Fellowships may be awarded in any subject in the field of human rights, provided only that the subject is one for which adequate advisory assistance is not available through a specialized agency and which does not fall within the scope of existing technical assistance programmes.

The following are examples of fellowship topics:

Protection of human rights in a multinational society;

The right of asylum, with special reference to measures safeguarding the human rights of refugees;

Measures designed to advance observance of the human rights of

the indigenous population, with particular reference to matters concerning sedentarization of nomads;

Protection of the human rights of immigrants and resident aliens;

Advancement of human rights in the formulation and implementation of economic and social legislation;

Participation in local administration as a means of promoting human rights;

Legislation, decrees and regulations concerning human rights, in relation to the implementation of national development plans;

Protection of rights relating to individual ownership or property;

Methods of implementation at the national level of international Conventions on human rights with regard to both law and practice;

Protection of human rights in the administration of justice;

Protection of human rights of juvenile delinquents in the administration of justice in children's courts;

Role of the police in the protection of human rights;

Legal aid and legal advice provisions for indigent persons in civil and criminal courts;

Judicial and other remedies against the abuse of administrative authority;

Protection of the human rights of persons in military service;

Role of the public prosecutor in the protection of human rights;

Protection of human rights in criminal procedure;

The use of writs of habeas corpus *in the protection of human rights;*

Right of the accused to a speedy trial;

Abolition of the death penalty and alternative modes of punishment;

Protection of the human rights of convicted and released offenders and of their families;

Drafting and implementation of legislation related to the protection of the rights of the child and of the family;

Rights of the child, with particular reference to the protection of the rights of children placed for adoption and of children born out of wedlock;

Status of women in family law, with special reference to the administration of justice in family courts;

Civic activities of women;

Participation of women in public life, with special emphasis on the role of women's organizations at the national and local levels;

The role of women's bureaux and related Government offices in furthering the status of women through legislative and other means;

Equal employment opportunities for women.

These examples, of course, by no means exhaust the possible areas of award.

Most of the fellowships are relatively short-term, lasting one to six months; the majority last from two to four months. This relatively brief duration is necessitated by various factors, including the important posts held by the fellows (in many cases their Governments cannot do without their services for a long period of time), budgetary limitations, and the facilities offered by the host Government.

In evaluating applications, special attention is paid to the present position and future career prospects of candidates nominated by their Governments. Most fellowship holders have been Government officials between the ages of 25 and 45. Although selection is made partially on the basis of the General Assembly's directive in resolution 926 (X) to consider the "greater needs of the underdeveloped areas", both the developed and developing countries are well represented in the fellowship programme. Placement of fellows is arranged with a view to providing them with an opportunity to observe comparable practices and institutions abroad which are relevant to their own work at home. This placement has been in line with the objectives of the studies which have been to improve existing procedures, draft new laws, modify existing legislation, or acquire other countries' experience with existing or new institutions or techniques. It is accordingly not the practice under this programme to award fellowships for work of an academic nature.

A recent development has been the organization of regional group-training projects on human rights. The first such training project was held in Japan for countries in Asia and the Far East;

the project, in operation from 15 June to 26 July 1967, dealt with two problems: human rights in the administration of justice and human rights and penal sanctions. This experimental training project was considered so successful that a second was planned and implemented in 1968, when the Government of Poland was host to fellows from the French-speaking countries of Africa for a training project which ended 9 August 1968. The training project dealt with the realization of the rights of the child through planning and administration at the national and local levels. Additional projects are being planned for future years.

As with other United Nations technical assistance programmes, candidates for human rights fellowships are only considered for awards at the request of Governments. The applications are forwarded through the appropriate office of the Resident Representative of the United Nations Technical Assistance Board; where there is no Resident Representative, Governments may forward applications directly to the Training and Fellowships Branch of the Office of Technical Co-operation, United Nations, New York.

List of Seminars organized under the Advisory Services Programme 1957 through 1969

Seminar on the civic responsibilities and increased participation of Asian women in public life, Bangkok, Thailand, 5-16 August 1957 (ST/TAA/HR/1).

Seminar on the protection of human rights in criminal law and procedure, Baguio City, Philippines, 17-28 February 1958 (ST/TAA/HR/2).

Seminar on the protection of human rights in criminal law and procedure, Santiago, Chile, 19-30 May 1958 (ST/TAA/HR/3).

Seminar on judicial and other remedies against the illegal exercise or abuse of administrative authority, Peradeniya (Kandy), Ceylon, 4-15 May 1959 (ST/TAO/HR/4).

Seminar on participation of women in public life, Bogotá, Colombia, 18-29 May 1959 (ST/TAO/HR/5).

Seminar on judicial and other remedies against the illegal exercise or abuse of administrative authority, Buenos Aires, Argentina, 31 August-11 September 1959 (ST/TAO/HR/6).

Seminar on the role of substantive criminal law in the protection of human rights, and the purposes and legitimate limits of penal sanctions, Tokyo, Japan, 10-24 May 1960 (ST/TAO/HR/7).

Seminar on the protection of human rights in criminal procedure, Vienna, Austria, 20 June-1 July 1960 (ST/TAO/HR/8).

Seminar on participation of women in public life, Addis Ababa, Ethiopia, 12-23 December 1960 (ST/TAO/HR/9).

Seminar on the protection of human rights in the administration of criminal justice, Wellington, New Zealand, 6-20 February 1961 (ST/TAO/HR/10).

Seminar on the status of women in family law, Bucharest, Romania, 19 June-3 July 1961 (ST/TAO/HR/11).

Seminar on *amparo, habeas corpus* and other similar remedies, Mexico City, Mexico, 15-28 August 1961 (ST/TAO/HR/12).

Seminar on freedom of information, New Delhi, India, 20 February-5 March 1962 (ST/TAO/HR/13).

Seminar on the status of women in family law, Tokyo, Japan, 8-21 May 1962 (ST/TAO/HR/14).

Seminar on judicial and other remedies against the abuse of administrative authority with special emphasis on the role of parliamentary institutions, Stockholm, Sweden, 12-25 June 1962 (ST/TAO/HR/15).

Seminar on the role of the police in the protection of human rights, Canberra, Australia, 30 April-14 May 1963 (ST/TAO/HR/16).

Seminar on the rights of the child, Warsaw, Poland, 6-19 August 1963 (ST/TAO/HR/17).

Seminar on the status of women in family law, Bogotá, Colombia, 3-16 December 1963 (ST/TAO/HR/18).

Seminar on freedom of information, Rome, Italy, 7-20 April 1964 (ST/TAO/HR/20).

Seminar on human rights in developing countries, Kabul, Afghanistan, 12-25 May 1964 (ST/TAO/HR/21).

Seminar on the status of women in family law, Lomé, Togo, 18-31 August 1964 (ST/TAO/HR/22).

Seminar on the multinational society, Ljubljana, Yugoslavia, 8-22 June 1965 (ST/TAO/HR/23).

Seminar on the participation of women in public life, Ulan Bator, Mongolia, 3-17 August 1965 (ST/TAO/HR/24).

Seminar on human rights in developing countries, Dakar, Senegal, 8-22 February 1966 (ST/TAO/HR/25).

Seminar on the participation in local administration as a means of promoting human rights, Budapest, Hungary, 14-27 June 1966 (ST/TAO/HR/26).

Seminar on *apartheid*, Brasilia, Brazil, 23 August-4 September 1966 (ST/TAO/HR/27).

Seminar on measures required for the advancement of women with special reference to the establishment of a long-term programme, Manila, Philippines, 6-19 December 1966 (ST/TAO/HR/28).

Seminar on the effective realization of civil and political rights at the national level, Kingston, Jamaica, 25 April-8 May 1967 (ST/TAO/HR/29).

Seminar on the civic and political education of women, Helsinki, Finland, 1-14 August 1967 (ST/TAO/HR/30).

Seminar on the realization of economic and social rights contained in the Universal Declaration of Human Rights, Warsaw, Poland, 15-28 August 1967 (ST/TAO/HR/31).

Seminar on freedom of association, London, United Kingdom, 18 June-1 July 1968 (ST/TAO/HR/32).

Seminar on the question of the elimination of all forms of racial discrimination, New Delhi, India, 27 August-9 September 1968 (ST/TAO/HR/34).

Seminar on the civic and political education of women, Accra, Ghana, 19 November-2 December 1968 (ST/TAO/HR/35).

Seminar on special problems relating to human rights in developing countries, Nicosia, Cyprus, 26 June-9 July 1969 (ST/TAO/HR/36).

Seminar on the effects of scientific and technological developments on the status of women, Iasi, Romania, 5-18 August 1969 (ST/TAO/HR/37).

Seminar on the establishment of regional commissions on human rights with special reference to Africa, Cairo, United Arab Republic, 2-15 September 1969. (ST/TAO/HR/38).

Seminar on the role of youth in the promotion and protection of human rights, Belgrade, Yugoslavia, 2-12 June 1970 (ST/TAO/HR/39).

Seminar on the realization of economic and social rights with particular reference to developing countries, Lusaka, Zambia, 23 June-4 July 1970 (ST/TAO/HR/40).

Seminar on the participation of women in the economic life of their countries (with reference to the implementation of article 10 of the Declaration on the Elimination of Discrimination against Women), Moscow, Union of Soviet Socialist Republics, 8-21 September 1970 (ST/TAO/HR/41).

SELECTED STUDIES ON HUMAN RIGHTS

Remedies against the abuse of administrative authority (ST/TAO/HR/19).

Effective realization of civil and political rights at the national level (ST/TAO/HR/33).

Published by United Nations Office of Public Information
Litho in U.N. OPI/403-08074-May 1971-10M